

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P 16417WO/P 2099WO</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/010923</b>	International filing date ( <i>day/month/year</i> ) <b>30.09.2004</b>	Priority date ( <i>day/month/year</i> ) <b>30.09.2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>C03C21/00, A01 N59/16, C03C3/087, C03C10/00, C03C12/00</b>			
Applicant <b>SCHOTT AG</b>			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <b>5</b> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <b>10</b> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																								
<p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																						
<input type="checkbox"/>	Box No. II	Priority																						
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																						
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																						
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																						
<input type="checkbox"/>	Box No. VI	Certain documents cited																						
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																						
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/010923

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 

This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
 

international search (Rule 12.3 and 23.1(b))  
 publication of the international application (Rule 12.4)  
 international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 

the international application as originally filed/furnished  
 the description:  
 pages 1-22 as originally filed/furnished  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 the claims:  
 nos. \_\_\_\_\_ as originally filed/furnished  
 nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
 nos.\* 1-35 received by this Authority on 09.07.2005 with letter of 08.07.2005  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 the drawings:  
 sheets 1/5-5/5 as originally filed/furnished  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
 

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/010923

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
-----------	---

## 1. Statement

Novelty (N)	Claims	1-23	YES
	Claims	24-35	NO
Inventive step (IS)	Claims	1-35	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-35	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

D1: US 2002/001604 A1 (YAZAWA TAKAKO ET AL), 3 January 2002 (2002-01-03)

D2: PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 19, 5 June 2001 (2001-06-05) & JP 2001 048595 A (INAX CORP), 20 February 2001 (2001-02-20)

D3: PATENT ABSTRACTS OF JAPAN, Vol. 1996, No. 12, 26 December 1996 (1996-12-26) & JP 08 217492 A (SHINKO PANTEC CO LTD), 27 August 1996 (1996-08-27)

D4: PATENT ABSTRACTS OF JAPAN, Vol. 1999, No. 08, 30 June 1999 (1999-06-30) & JP 11 060277 A (NIPPON ELECTRIC GLASS CO LTD), 2 March 1999 (1999-03-02)

D5: PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 01, 31 January 2000 (2000-01-31) & JP 11 278866 A (NIHON YAMAMURA GLASS CO LTD), 12 October 1999 (1999-10-12)

D6: PATENT ABSTRACTS OF JAPAN, Vol. 1995, No. 05, 30 June 1995 (1995-06-30) & JP 07 048142 A (NIPPON SHEET GLASS CO LTD), 21 February 1995 (1995-02-21)

D11: WO 03/018495 A1 (SCHOTT GLAS; CARL-ZEISS-STIFFUNG TRADING AS SCHOTT GLAS; CARL-ZEISS-ST), 6 March

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2004/010923

Box No. V      **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

2003 (2003-03-06)

D12: DE 100 17 701 A1 (SCHOTT GLAS), 25 October 2001  
(2001-10-25)

D13: EP-A-1 170 264 (SCHOTT GLAS), 9 January 2002  
(2002-01-09)

D14: EP-A-0 220 333 (SCHOTT GLASWERKE; CARL-ZEISS-STIFTUNG), 6 May 1987 (1987-05-06)

D15: PATENT ABSTRACTS OF JAPAN, Vol. 1998, No. 11, 30 September 1998 (1998-09-30) & JP 10 158037 A (ASAHI GLASS CO LTD), 16 June 1998 (1998-06-16)

D16: EP-A-1 270 527 (INAX CORPORATION), 2 January 2003  
(2003-01-02)

D17: PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 16, 8 May 2001 (2001-05-08) & JP 2001 026466 A (NIPPON SHEET GLASS CO LTD), 30 January 2001 (2001-01-30)

D18: PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 05, 14 September 2000 (2000-09-14) & JP 2000 053451 A (SUMITOMO OSAKA CEMENT CO LTD), 22 February 2000  
(2000-02-22)

D19: PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 02, 29 February 2000 (2000-02-29) & JP 11 319042 A (SASAKI GLASS CO LTD), 24 November 1999 (1999-11-24)

D20: PATENT ABSTRACTS OF JAPAN, Vol. 1998, No. 08, 30 June 1998 (1998-06-30) & JP 10 059788 A (TOKYO YOGYO CO LTD; TOYO TEKUNIKA KK), 3 March 1998  
(1998-03-03)

The invention claims a glass or glass ceramic powder with antimicrobial properties. The only document among the above-mentioned documents which has been demonstrated to relate to a glass ceramic powder with antimicrobial

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

PCT/EP2004/010923

**Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

properties is the prior art document D20.

Documents D1-D6 and D11-D19 do not contain any indication on how to produce an antimicrobial powder.

The prior art in document D20 is detrimental to the novelty of the subject matter of claims 24-35 only because these claims do not refer to the glass ceramics defined in the preceding claims, since document D20 is silent on the composition of the glass ceramics. Document D20 does not contain any indication of a composition designed for the manufacture of an antimicrobial glass ceramic powder.